

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL J. RODRIGUEZ,

Plaintiff,

-v-

9:14-CV-418  
(DNH/DEP)

DAVID FAVRO, MAJOR SMITH, and  
CLINTON COUNTY,

Defendants.

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APPEARANCES:

MICHAEL J. RODRIGUEZ  
*Plaintiff pro se*  
14-A-3203  
Southport Correctional Facility  
P.O. Box 2000  
Pine City, NY 14871

Lemire, Johnson Law Firm  
*Attorneys for Defendants*  
P.O. Box 2485  
2534 Route 9  
Malta, NY 12020

DAVID N. HURD  
United States District Judge

OF COUNSEL:

Gregg T. Johnson, Esq.  
Bradley J. Stevens, Esq.

**DECISION and ORDER**

Pro se plaintiff Lee Scott brought this civil rights action pursuant to 42 U.S.C. § 1983. On March 9, 2016, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment be

granted, and the complaint be dismissed in its entirety. See ECF No. 34. Plaintiff timely filed objections. See ECF No. 37.

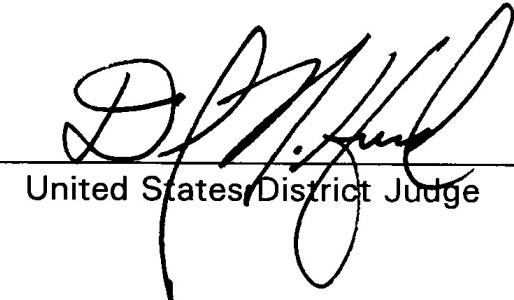
Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

1. Defendant's motion for summary judgment is **GRANTED**, and the complaint is **DISMISSED**; and
2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "D. M. Jones", is positioned above a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

Dated: March 30, 2016  
Utica, New York